

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF) APPEAL NO. 07-A-2383
KIMBROUGH TRUST dtd 11/8/89 from the decision) FINAL DECISION
of the Board of Equalization of Canyon County for) AND ORDER
tax year 2007.)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing November 28, 2007, in Caldwell, before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant Walter Kimbrough appeared. Appraisal Supervisor Barbara Wade appeared for Respondent Canyon County. This appeal is taken from a decision of the Canyon County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Alt Pin N85170010440.

The issue on appeal is the market value of a townhouse.

The decision of the Canyon County Board of Equalization is affirmed.

FINDINGS OF FACT

Subject's assessed land value is \$24,500 and the improvements' value is \$120,600, totaling \$145,100. Appellant requests the land value be reduced to \$6,500 and the improvements' value be reduced to \$104,900, for a total reduced value of \$111,400.

Subject is a 1,576 square foot townhouse located in a Nampa subdivision. Subject was built in 1998 and is attached to a .11 acre lot.

Appellant purchased subject in February 2003 for \$134,000 and noted it was assessed at \$129,400 for the 2006 tax year.

Appellant challenged the method utilized to value subject; specifically, the calculation used for the time-adjustment applied to Respondent's sales.

Also questioned was subject's lot size. Appellant noted the subdivision's homeowner's

association was responsible for maintaining the exterior of the building and the lawn, which led Appellant to believe subject included only the land directly beneath the townhouse.

Respondent began by explaining how the time adjustment was calculated. Respondent examined two properties in subject's subdivision that sold in 2005 and then re-sold again in 2007. By looking at the increase in sale price and the number of months between the 2005 sale and the 2007 re-sale, Respondent calculated the appreciation percentage per month. The monthly rate was then applied to three 2005 townhouse sales in subject's subdivision. The average adjusted sale price of the properties was \$109.08 per square foot. Subject was assessed at \$92.07 per square foot.

Respondent's records indicated subject's lot included the entire .11 acre lot, rather than just the ground under the townhouse. Respondent said it was common in certain subdivisions for the homeowner's association to be responsible for the exterior maintenance of the units in the particular subdivision, even though the owners held title to the entire platted lot.

Hearing Officer VanLith left the record open to give Appellant an opportunity to review the property deed to determine if subject included the entire .11 acre lot or just the land under the townhouse structure. Nothing was received by the Board concerning this issue.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

For the purposes of property taxation, Idaho utilizes a market value approach as defined in Idaho Code § 63-201 (10);

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The record was left open to afford Appellant an opportunity to offer proof that subject only included the land under the townhouse. As nothing was received by this Board, it is presumed Respondent’s records showing subject includes the entire .11 acre lot, are accurate.

Property is to be valued on January 1 of the tax year in question. See Idaho Code § 63-205. Respondent presented three sales from 2005 in subject’s subdivision with similar characteristics as subject. Respondent determined the appropriate time-adjustment by calculating the appreciation realized on two other properties in subject’s subdivision that sold in 2005 and re-sold again in 2007. The time-adjustment was then applied to the three sales presented at hearing to arrive at an average adjusted sales price of \$109.08 per square foot. Subject was assessed at \$92.07 per square foot.

Appellant did not provide details about how subject’s proposed value was calculated, which leaves this Board with little basis to support a reduction in subject’s value. Additionally, no error was shown in Respondent’s method of valuing subject. Given the evidence presented, the Board finds subject’s assessment to be fair and will therefore affirm the decision of the Canyon County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Canyon County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED March 6, 2008